

.. Appl. No. : 08/942,347
Filed : October 1, 1997

Applicant has corrected a typographical error on page 37 so that the amended text corresponds with Figure 12A. No new matter has been added.

Discussion of the Claim Rejection under 35 U.S.C. § 102(e) and § 103(a)

Claims 1-4 and 9-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Giorgio et al. (Giorgio), U.S. Patent No. 5,761,085. Claims 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Giorgio.

Applicant submits a *Declaration under 37 C.F.R. § 131 to Overcome Giorgio, et al.* by Ahmad Nouri and Karl S. Johnson. Ahmad Nouri and Karl S. Johnson are the two joint inventors of the subject patent application.

The *Declaration* includes facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued (37 C.F.R. § 1.131(a)(1) and M.P.E.P. § 715). The showing of facts are such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application (37 C.F.R. § 1.131(b) and M.P.E.P. § 715).

The limitations of a microcontroller capable of providing a retrieve or update system status signal to a first computer; a remote interface connected to the microcontroller; and a second computer connected to the first computer via the remote interface and communicating a retrieve or update system status command to the microcontroller, as recited in Claim 1, were conceived at least by November 12, 1996. Due diligence in reducing the invention to practice either actually or constructively was made until at least May 13, 1997 when the United States Provisional Patent Applications No. 60/046,326 and 60/046,397 were filed, which are priority applications to the present application. Since Giorgio was filed on November 12, 1996, Applicant submits that Giorgio is removed from use as a reference for at least such claim limitations. Since Claims 2-13 are dependent on independent Claim 1, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claim to which they refer. Therefore, the rejection of the dependent Claims 2-13 has also been overcome.

In view of the above, it is submitted that Claims 1-13 are clearly distinguished from the cited art and are patentable.

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New Claims

Applicant has added new Claims 14-35 to further define Applicant's patentable invention. In particular, new Claims 34-35 are dependent on independent Claim 1. New Claims 14-33 provide further limitations regarding the remote interface, the microcontroller network, and the updating or retrieving operations. These claims are supported by Figures 1, 2, 12, 13, 14, 17, 18, and 19, and by the text associated with these figures.

Conclusion

By this amendment, Applicant has added new claims. In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-35 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

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Dated: 5/7/99

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